



OFFICE OF THE CITY ATTORNEY

July 17, 2019

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City Manager
Tommy Gonzalez

Electronically Via Information Center and First Class Mail

Mr. Samuel Sinyangwe
MuckRock News, DEPT MR 77183
411A Highland Ave.
Somerville MA 02144

RE: Requests for Records # W062132-071519

Dear Mr. Sinyangwe :

We are in receipt of your modified open records request to the El Paso Police Department received on July 15, 2019 wherein you requested copies of records involving officer-involved shootings and use of force incidents, among other things. In accordance with Texas Government Code §552.261-265, this letter shall serve as a Preliminary Statement of Estimated Charges for the City of El Paso to provide you with part of the requested information.

As for the part of your request about complaints reported by civilians against police between 2013-2018, the personnel at Internal Affairs are telling me that they do not segregate complaints that come from the public from complaints that are initiated from within the department. They have told me that in order to find and pull out just the complaints from civilians, they will have to open up about 4,000 files to check them, then make copies of the responsive ones. Assuming it takes just four minutes to find, open and read each of those 4,000 files long enough to tell if they are responsive, that would result in about 260 hours of labor. The fee for labor is \$15.00 per hour, so that part of your request would result in a fee of \$3,900.00. The overhead for that would be \$780.00. (Overhead is 20% of labor.) So the total just for that one part of your request would be \$4,680.00. That does not include any time for redacting all the confidential information in the records—that could easily add several more hundreds of dollars to the total.

Personnel of the El Paso Police Department Records Division have let me know there are about 5,000 pages of records for the part of your request about officer-involved shootings. Just the required redactions of confidential information could easily add several hundred more dollars to the total, not including the rest of the labor involved in fulfilling that part of your request.

So as you can see, the cost to fulfill this request will be substantial, and will take quite a bit of time. Since the estimated charges exceed \$100.00, as allowed by Sec. 552.263(a) of the Texas Government Code, we require payment of at least \$4,680.00 as a deposit before work is begun. Once work is begun, if we find we have underestimated the time this will take, we will stop work and I will send you a new Statement. Also, based on your response to this Statement, we may be able to identify a less expensive alternative.

Your request will be considered to have been withdrawn if you do not pay the deposit amount within ten (10) business days after receipt of this Statement, or respond in writing, within ten (10) business days after you receive this Statement that (1) you are modifying or withdrawing your

Karla M. Nieman – Interim City Attorney

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request in response to this statement; or (2) you sent or are sending a written complaint to the Cost Rules Administrator in the Office of the Attorney General, alleging that you have been overcharged for being provided with a copy of the public information. You may respond to this letter by U.S. Mail, in person, by telecopier, or electronically through the Information Center. I look forward to continuing to work with you to provide you with the accurate responsive documentation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary K. La Rue".

Mary K. La Rue
Certified Paralegal

MKL/

Karla M. Nieman – Interim City Attorney

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